

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK STEVENS,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	
	:	
JEFFREY A. BEARD, et al.,	:	NO. 09-3930
Respondents.	:	

EXPLANATION AND ORDER

Petitioner initiated this habeas action pursuant to 28 U.S.C. § 2254 on or about August 25, 2009. On December 9, 2009, the Honorable Thomas M. Golden referred the matter to the undersigned for a Report and Recommendation.

In submissions dated November 23, 2009, Petitioner moved for the appointment of habeas corpus counsel (Doc. 5) and for an evidentiary hearing (Doc. 4). In further correspondence to the undersigned on February 10, 2010, which we had docketed, Petitioner reiterated his request for the appointment of counsel to assist him in filing a reply or a memorandum of law. (Doc. 11.)¹

On April 8, 2010, following the filing by Respondents of their answer to the habeas petition, we issued an Explanation and Order denying Petitioner's requests for the appointment of counsel and for an evidentiary hearing. (Doc. 18.) We clarified that Petitioner was still permitted to file a reply brief and pointed to earlier orders setting the deadline for such a reply as 30 days after

¹ Petitioner also requested that we "forward [him] an updated Docket Sheet[.]" In our Order of February 19, 2010, we referred him to the website for the Clerk's Office, which provides that a copy of an electronic docket sheet may be obtained by submitting a request in writing or by fax (215-597-6390) to the correspondence department in the Clerk's Office and that the cost is \$.50 per page. We further advised him that, alternatively, he may obtain the docket through the PACER system via the internet and that the cost is \$.08 per page of electronic access. See <http://www.paed.uscourts.gov/us11000.asp> ("Frequently Asked Questions" page of Clerk's Office website). (Doc. 12 at n.1.)

service of Respondents' answer to the petition. (Doc. 18 at 3 n.2.) The docket does not reflect the filing of any such reply brief by Petitioner.

On June 11, 2010, we received the attached letter from Petitioner dated June 9, 2010 inquiring whether his petition for appointment of habeas counsel had been granted and whether a briefing schedule had issued. He again asked that he be provided with a docket sheet.

Our previous Orders address the issues raised by Petitioner's letter. We have no reason to believe that Petitioner did not receive our Orders, as the return address on his letter matches that on file for him in the Court's Clerk's Office and no mail has been returned. Nonetheless, in an abundance of caution, we will provide him a further 30-day period in which to file any response he may wish to make to the Respondents' answer to his petition. To the extent that Petitioner might desire further confirmation about the status of his case or to review the docket sheet, we again direct him to the sources in the Clerk's Office that we identified in our previous Orders. Such requests are not properly directed to me or my staff.

AND NOW, this 16th day of June, 2010, upon consideration of Petitioner's letter of June 11, 2010 and in light of the foregoing explanation, **IT IS ORDERED** that Petitioner is given an extension of time until July 16, 2010 to file any reply brief and to serve a copy of such reply on Respondents.

BY THE COURT:

/s/ David R. Strawbridge
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE